

28,813


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
028,813	04/10/79	Albert A. Carr	M-956

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EXAMINER	
N.S. Milestone	
ART UNIT	PAPER NUMBER
121	2

DATE MAILED **MAILED**

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

SEP 11 1979

GROUP 120

☒ This application has been examined.    ☐ Responsive to communication filed on \_\_\_\_\_    ☐ This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited, Form PTO-892.            | 2. <input type="checkbox"/> Notice of Informal Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. | 4. <input type="checkbox"/> _____                                       |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-16 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☐ Claims \_\_\_\_\_ are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☒ Claims 1-16 are subject to restriction or election requirement.
7. ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
8. ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_,  
filed on \_\_\_\_\_.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

The claims are drawn to more than one distinct invention, delineated by the following grouping of claims:

- I. Claim 9, drawn to a compound in which  $R_3$  is  $-CH_2OH$ ;
- II. Claims 10, 11, and 13, drawn to compounds in which  $R_3$  is a carboxylic acid derivative;
- III. Claim 12, drawn to a compound in which  $R_3$  is  $-CH_3$ ;
- IV. Claim 16, drawn to multiple processes.

A further delineation of separate inventions is provided by those compounds embraced by the claims wherein  $R_1$  and  $R_2$  taken together form a second bond, namely by those compounds containing and intercyclic  $-CH=$  group.

Claims 1-8, 14 and 15 are Markush claims containing Markush groups the members of which are representative of distinct classes of compounds delineated above, which are capable of supporting separate patents and have achieved a separate status in the art in view of their diverse functionality. As evident from the multiple processes improperly embraced by a single claim 16, the compounds are capable of being produced by different processes, in part dependent upon the nature of the functional groups contained therein. In the event of an election of IV. a further election of a process species is required accompanied by a claim restricted thereto.

Applicants' response to be complete must include an

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Art Unit. 121

election consonant with the above requirement, even though the requirement is traversed. See 37 CFR 1.143.

NSMilestone/jda

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*Norma S. Milestone*  
NORMA S. MILESTONE  
EXAMINER  
GROUP ART UNIT 121